

**BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation  
Against:**

**William Warren Rose Jr., M.D.  
Certificate # A-33557**

**Petitioner.**

**File No: 11-94-43900**

**DECISION**

**The attached Stipulation is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in the above-entitled matter.**

**This Decision shall become effective on May 12, 1997.**

**It is so ordered April 10, 1997.**

**DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA**



**Anabel Anderson Imbert, M.D.  
Chair  
Panel B**

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 DIANE M. L. TAN,  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Suite 5212  
4 Los Angeles, California 90013  
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5  
6 Attorneys for Complainant  
7

8 **BEFORE THE**  
9 **DIVISION OF MEDICAL QUALITY**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation )  
Against: )

No. 11-94-43900

13 **WILLIAM WARREN ROSE, JR., M.D.** )  
14 1393 Rangeton Drive )  
Diamond Bar, California 91789 )

OAH No. L-9512119

**STIPULATED SETTLEMENT  
AND DISCIPLINARY ORDER**

15 Physician's and Surgeon's )  
16 Certificate No. A33557, )  
17 )

Respondent. )  
18

19 **IT IS HEREBY STIPULATED AND AGREED** by and between the  
20 parties to the above-entitled proceedings that the following  
21 matters are true:

22 1. An Accusation was filed against William Warren  
23 Rose, Jr., M.D. ("respondent"), in Case No. 11-94-43900, with the  
24 Division of Medical Quality of the Medical Board of California  
25 ("the Division"), Department of Consumer Affairs, State of  
26 California, on October 11, 1995, and is currently pending against  
27 respondent.

1           2. The Accusation, together with all statutorily  
2 required documents, was duly served on respondent on October 11,  
3 1995. Respondent's counsel, Russell Iungerich, timely filed on  
4 or about October 27, 1995, a Notice of Defense for respondent  
5 acknowledging receipt of a copy of the Accusation and requesting  
6 for a hearing in these proceedings. A copy of the Accusation is  
7 attached hereto as "Exhibit 1" and hereby incorporated by  
8 reference as if fully set forth herein.

9           3. Complainant, Ron Joseph, is the Executive Director  
10 of the Medical Board of California ("the Board") and has brought  
11 this action solely in his official capacity. Complainant is  
12 represented in this matter by Daniel E. Lungren, Attorney General  
13 of the State of California, by and through Diane M. L. Tan,  
14 Deputy Attorney General.

15           4. Respondent William Warren Rose, Jr., M.D., is  
16 represented in this matter by Russell Iungerich, Attorney at Law,  
17 A Professional Law Corporation, 3580 Wilshire Boulevard, Suite  
18 1920, Los Angeles, California 90010-2520, and Paul Spackman,  
19 Attorney at Law.

20           5. Respondent has fully read and discussed with his  
21 counsel the charges and allegations contained in the Accusation  
22 in Case No. 11-94-43900, OAH No. L-9512119. Respondent has been  
23 fully advised regarding his legal rights and the effects of this  
24 Stipulated Settlement and Disciplinary Order.

25           6. On March 5, 1979, Respondent was issued Physician's  
26 and Surgeon's Certificate No. A33557 by the Board. At all times  
27 relevant herein, this license has been valid. On February 8,

1 1984, Physician Assistant Supervisor Approval Number SA 13768 was  
2 issued by the Physician Assistant Examining Committee to  
3 Respondent. Currently, such approval is not valid and expired on  
4 June 30, 1994.

5           7. Respondent fully understands the charges alleged in  
6 the Accusation and that those charges and allegations, if proven  
7 at a hearing, constitute cause for taking disciplinary action  
8 against his Physician's and Surgeon's Certificate and Physician  
9 Assistant Supervisor Approval. Respondent has consulted with his  
10 attorney regarding the effects of entering into this Stipulated  
11 Settlement. Respondent is fully aware of his right to a hearing  
12 on the charges contained in the Accusation; his right to consult  
13 with and be represented by counsel at his own expense; his right  
14 to the issuance of subpoenas to compel the attendance of  
15 witnesses and the production of books, documents, or other things  
16 in his defense and as proof of mitigation; his right to testify  
17 and present relevant evidence; his right to confront and cross-  
18 examine witnesses testifying against him; his right to  
19 reconsideration and appeal; and any and all other rights which  
20 may be accorded him under the California Administrative Procedure  
21 Act (Gov. Code; § 11500 et seq.) and other applicable laws.

22           Respondent hereby knowingly, voluntarily, and  
23 irrevocably waives and gives up each and every one of these  
24 rights.

25           8. Respondent admits that the criminal conviction of  
26 conspiracy of two or more persons to commit the crime of  
27 practicing medicine without a license (Pen. Code, § 182, subd.

1 (a)(1)) is true and correct and agrees that he has thereby  
2 subjected his Physician's and Surgeon's Certificate and the  
3 approval as a physician assistant supervisor to disciplinary  
4 action. Respondent agrees to be bound by the Division's  
5 Disciplinary Order as set forth below.

6 9. Based upon the foregoing admissions and other  
7 stipulated matters, the parties agree that the Division may,  
8 without further notice or formal proceedings, issue and enter the  
9 following Disciplinary Order:

10 **DISCIPLINARY ORDER**

11 **IT IS HEREBY ORDERED** that Physician's and Surgeon's  
12 Certificate Number A33557 and Physician Assistant Supervisor  
13 Approval Number SA 13768 issued to Respondent William Warren  
14 Rose, Jr., M.D., are revoked. However, the revocation of  
15 Respondent's Physician's and Surgeon's Certificate is stayed and  
16 Respondent is placed on probation for five (5) years on the  
17 following terms and conditions.

18 Within fifteen (15) days from the effective date of the  
19 Division's Decision in this matter ("the Division's Decision"),  
20 respondent shall provide the Division or its designee with  
21 written proof of service that a true copy of this decision has  
22 been served by respondent on the Chief of Staff or the Chief  
23 Executive Officer at every hospital where privileges or  
24 membership are extended to respondent or where respondent is  
25 employed to practice medicine and on the Chief Executive Officer  
26 at every insurance carrier where malpractice insurance coverage  
27 is extended to respondent.

1           (1) SUSPENSION. As part of probation, respondent is  
2 suspended from the practice of medicine for six (6) months  
3 beginning on the sixteenth (16th) day after the effective date of  
4 the Division's Decision.

5           (2) ORAL CLINICAL OR WRITTEN EXAMINATION. Within  
6 ninety (90) days of the effective date of the Division's  
7 Decision, respondent shall take and pass an oral clinical  
8 examination in family practice administered by the Division or  
9 its designee. If respondent fails the first examination,  
10 respondent shall be allowed to take and pass a second  
11 examination, which may consist of a written as well as an oral  
12 examination. The waiting period between the first and second  
13 examinations shall be at least three (3) months. If respondent  
14 fails to pass the first and second examinations, respondent may  
15 take a third and final examination after waiting a period of one  
16 (1) year. Failure to pass the oral clinical examination within  
17 eighteen (18) months after the effective date of the Division's  
18 Decision shall constitute a violation of probation. Respondent  
19 shall pay the costs of all examinations.

20           If respondent fails to pass the first examination,  
21 respondent shall be suspended from the practice of medicine until  
22 respondent has successfully passed this required examination and  
23 has been so notified in writing by the Division or its designee,  
24 and has complied with Probation Condition 1 of this Order.

25           (3) MONITORING. Within thirty (30) days of the  
26 effective date of the Division's Decision, respondent shall  
27 submit to the Division or its designee for its prior approval,

1 the name and qualifications of one or more licensed physicians  
2 and surgeons whose licenses are valid and not subject to any  
3 disciplinary action and have agreed to serve as respondent's  
4 practice monitor. The practice monitor also shall have no prior  
5 or current business or personal relationship with respondent.

6           The practice monitor shall be involved in the same  
7 field of practice in which respondent is involved, shall have  
8 fully read the Accusation and the Division's Decision, including  
9 the Stipulated Settlement and Disciplinary Order in this matter,  
10 and fully understand his or her role as practice monitor. Within  
11 that 30-day period, the practice monitor shall submit to the  
12 Division or its designee a plan in which respondent's practice  
13 shall be monitored. That plan must be approved by the Division  
14 or its designee and shall be subject to any changes or  
15 modifications which the Division or its designee deems necessary.  
16 The practice monitor shall provide periodic written reports to  
17 the Division or its designee providing an evaluation of  
18 respondent's performance, indicating whether respondent is  
19 capable of practicing medicine safely, and providing any other  
20 necessary information requested by the Division or its designee.  
21 It shall be respondent's responsibility to ensure that the  
22 practice monitor files the periodic written reports with the  
23 Division or its designee.

24           Respondent shall provide access to the monitor of  
25 respondent's fiscal and patient records and such monitor shall be  
26 permitted to make direct contact with any patients treated or  
27 cared for by respondent to discuss any matters related to

1 Respondent's care and treatment of those patients. Respondent  
2 shall execute a release authorizing the monitor to provide to the  
3 Division or its designee any relevant information that it may  
4 request.

5 If the monitor resigns or is no longer available,  
6 respondent shall, within fifteen (15) days of such resignation or  
7 unavailability, submit a request to the Division or its designee  
8 to have a new monitor appointed through nomination by respondent  
9 and approval by the Division or its designee.

10 Respondent shall pay all of the monitoring costs.

11 (4) ETHICS COURSE. Within sixty (60) days of the  
12 effective date of the Division's Decision, respondent shall  
13 enroll in a course in Ethics that has been approved in advance by  
14 the Division or its designee, shall pay all of the costs for that  
15 course, and shall successfully complete this probationary  
16 condition during the first year of probation.

17 (5) PRESCRIBING PRACTICES COURSE. Within sixty (60)  
18 days of the effective date of the Division's Decision, respondent  
19 shall enroll in a course in Prescribing Practices, approved in  
20 advance by the Division or its designee, shall pay all of the  
21 costs for that course, and shall successfully complete this  
22 probationary condition during the first year of probation.

23 (6) EDUCATION COURSE. Within ninety (90) days of the  
24 effective date of the Division's Decision, and on an annual basis  
25 thereafter, respondent shall submit to the Division or its  
26 designee for its prior approval an educational program or course  
27 to be designated by the Division, which shall not be less than 40



1 hours per year, for each year of probation. This program shall  
2 be in addition to the continuing medical education requirements  
3 for re-licensure.

4           Following the completion of each course, the Division  
5 or its designee may administer an examination to test  
6 respondent's knowledge of the course. Respondent shall provide  
7 written proof of attendance and successful completion of 65 hours  
8 of continuing medical education of which 40 hours were in  
9 satisfaction of this condition and were approved in advance by  
10 the Division or its designee.

11           Respondent shall pay all of the costs for such courses.

12           (7) **INDEPENDENT BILLING SERVICES.** Within thirty (30)  
13 days of the effective date of the Division's Decision, respondent  
14 shall submit to the Division or its designee for its prior  
15 approval, the name or names of independent billing services which  
16 will administer and handle the billing for respondent's  
17 professional medical services.

18           If respondent decides to change the approved  
19 independent billing service, respondent shall within fifteen (15)  
20 days of such decision and prior to any changes in independent  
21 billing services, submit a request to the Division or its  
22 designee to have a new billing service designated through  
23 nomination by respondent and approval by the Division or its  
24 designee.

25           Respondent shall pay for all costs regarding such  
26 independent billing services.

27           All of respondent's billing records relating to his

1 practice of medicine shall be subject to inspection and copying  
2 upon request by the Division or its designee at any time during  
3 the period of probation.

4 (8) MAINTAIN RECORD OF CONTROLLED DRUGS AND DANGEROUS  
5 DRUGS. Respondent shall maintain a record of all controlled  
6 substances and dangerous drugs prescribed, dispensed or  
7 administered by him during probation, showing all of the  
8 following: 1) the name and address of the patient, 2) the date  
9 of the prescription, 3) the character and quantity of controlled  
10 substances or dangerous drugs involved, and 4) the indications  
11 and diagnosis for which the controlled substances or dangerous  
12 drugs were furnished.

13 Respondent's maintenance of a record of duplicate  
14 prescription sheets or forms for all controlled substances and  
15 dangerous drugs prescribed, dispensed or administered by him  
16 separate and apart from those contained in the individual patient  
17 medical records shall satisfy this condition only if those sheets  
18 or forms state all of the information required under this  
19 probationary condition, including the indications and diagnosis  
20 for which each controlled substance or dangerous drug was  
21 furnished.

22 Respondent shall keep these records in a separate file  
23 or ledger, in chronological order, and shall make them available  
24 for inspection and copying by the Division or its designee, upon  
25 request.

26 (9) MAINTAIN RECORDS OF EMPLOYEES. Respondent shall  
27 maintain records of all persons employed by him during probation,

1 showing all of the following regarding each employee: 1) the  
2 name and residential address of the employee, 2) the job title of  
3 the employee, 3) the date of employment, 4) the duties of the  
4 employee, 5) the certificate/license number of all professional  
5 licenses issued to the employee, 6) a copy of each  
6 certificate/license, and 7) the date of termination of  
7 employment, if applicable.

8           Respondent shall keep these records in a separate file  
9 or ledger, and shall make them available for inspection and  
10 copying by the Division or its designee, upon request.

11           (10) OBEY ALL LAWS. Respondent shall obey all  
12 federal, state, and local laws, all rules and regulations  
13 governing the practice of medicine in California, and remain in  
14 full compliance with any court ordered criminal probation,  
15 payments and other orders.

16           (11) QUARTERLY REPORTS. Respondent shall submit  
17 quarterly declarations under penalty of perjury on forms provided  
18 by the Division or its designee, stating whether there has been  
19 compliance with all the conditions of probation.

20           (12) PROBATION SURVEILLANCE PROGRAM COMPLIANCE.  
21 Respondent shall comply with the Division's probation  
22 surveillance program. Respondent shall, at all times, keep the  
23 Division and his probation surveillance monitor informed of his  
24 addresses of business and residence which shall both serve as  
25 addresses of record. Any changes of those addresses shall be  
26 immediately communicated in writing to the Division and his  
27 probation surveillance monitor. Under no circumstances shall a

1 post office box serve as an address of record.

2 Respondent shall also immediately inform the Division  
3 and his probation surveillance monitor, in writing, of any travel  
4 to any areas outside the jurisdiction of California which lasts  
5 or is contemplated to last, more than thirty (30) days.

6 (13) INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS  
7 DESIGNATED PHYSICIAN. Respondent shall appear in person for  
8 interviews with the Division, its designee or its designated  
9 physician upon request at various intervals and with reasonable  
10 notice.

11 (14) TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE, OR  
12 IN-STATE NON-PRACTICE. In the event that respondent should leave  
13 California to reside or practice outside of this State or for any  
14 reason should stop practicing medicine in California, respondent  
15 shall notify the Division or its designee in writing within ten  
16 (10) days of the date of departure and return or the dates of  
17 non-practice within California. Non-practice is defined as any  
18 period of time exceeding thirty (30) days in which respondent is  
19 not engaging in any activities as defined in sections 2051 and  
20 2052 of the Business and Professions Code or such related  
21 statutes.

22 All time spent in an intensive training program  
23 approved by the Division or its designee shall be considered as  
24 time spent in the practice of medicine.

25 Periods of temporary or permanent residence or practice  
26 outside of California or of non-practice within California, as  
27 defined in this condition, will not apply to the reduction of the

1 probationary period.

2 (15) COST RECOVERY. Respondent is hereby ordered to  
3 reimburse the Division the sum of Two Thousand Five Hundred  
4 Dollars (\$2,500.00) for the costs of the investigation and  
5 prosecution of the above-entitled matter. Such amount shall be  
6 paid as follows:

7 Within ninety (90) days from the effective date of the  
8 Division's Decision, respondent shall pay his first payment of  
9 \$500.00 to the Division. Thereafter, respondent shall pay to the  
10 Division the amount of \$1,000.00 each and every year on January  
11 15th, commencing on January 15, 1998, until the total amount of  
12 \$2,500.00 is paid in full.

13 The payment of these costs by respondent is not tolled  
14 by his practice or residency outside of California. Failure to  
15 reimburse the Division for its investigation and prosecution  
16 costs according to this probation condition shall constitute a  
17 violation of probation, unless the Division agrees in writing to  
18 payment by a revised installment plan because of financial  
19 hardship.

20 The filing of bankruptcy by respondent shall not  
21 relieve respondent of his responsibility to reimburse the  
22 Division for its investigation and prosecution costs.

23 (16) PROBATION COSTS. Respondent shall pay the costs  
24 associated with probation monitoring each and every year of  
25 probation, which are currently set at Two Thousand Three Hundred  
26 Four Dollars (\$2,304.00), but may be adjusted on an annual basis.  
27 Such costs shall be payable to the Division of Medical Quality

1 and delivered to the designated probation surveillance monitor at  
2 the beginning of each calendar year. Failure to pay costs within  
3 30 days of the due date shall constitute a violation of  
4 probation.

5 (17) **VIOLATION OF PROBATION.** If respondent violates  
6 probation in any respect, the Division, after giving respondent  
7 notice and the opportunity to be heard, may revoke probation and  
8 carry out the disciplinary order that was stayed.

9 If an accusation or petition to revoke probation is  
10 filed against respondent during probation, the Division shall  
11 have continuing jurisdiction until the matter is final, and the  
12 period of probation shall be extended until the matter is final.

13 No petition for modification or termination of  
14 probation shall be considered while there is an accusation or  
15 petition to revoke probation pending against respondent.

16 (18) **LICENSE SURRENDER.** Following the effective date  
17 of the Division's Decision, if respondent ceases practicing due  
18 to retirement, health reasons or is otherwise unable to satisfy  
19 the terms and conditions of probation, respondent may voluntarily  
20 tender his physician's and surgeon's certificate to the Board.  
21 The Division reserves the right to evaluate respondent's request  
22 and to exercise its discretion whether to grant the request, or  
23 to take any other action deemed appropriate and reasonable under  
24 the circumstances. Upon formal acceptance of the tendered  
25 license, respondent will no longer be subject to the terms and  
26 conditions of probation.

27 (19) **COMPLETION OF PROBATION.** Upon successful

1 completion of probation, respondent's physician's and surgeon's  
2 certificate shall be fully restored.

3  
4 **SECTION 16.01 OF THE 1996/1997**

5 **CALIFORNIA STATE BUDGET ACT**

6 Section 16.01 of the 1996/1997 Budget Act of the State  
7 of California provides, in pertinent part, that:

8 "(a) No funds appropriated by this act  
9 may be expended to pay any Medi-Cal claim for  
10 any service performed by a physician while  
11 that physician's license is under suspension  
12 or revocation due to a disciplinary action of  
13 the Medical Board of California.

14 "(b) No funds appropriated by this act  
15 may be expended to pay any Medi-Cal claim for  
16 any surgical service or other invasive  
17 procedure performed on any Medi-Cal  
18 beneficiary by a physician if that physician  
19 has been placed on probation due to a  
20 disciplinary action of the Medical Board of  
21 California related to the performance of that  
22 specific service or procedure on any patient,  
23 except in any case where the board makes a  
24 determination during its disciplinary process  
25 that there exist compelling circumstances  
26 that warrant continued Medi-Cal reimbursement  
27 during the probationary period."

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1 Disciplinary Order with respondent William Warren Rose, Jr.,  
2 M.D., and approve the form and content of such stipulation.

3 DATED: 3/4/97.

4 RUSSELL IUNGERICH  
5 A Professional Law Corporation

6   
7 RUSSELL IUNGERICH  
8 Attorney at Law

9 Attorneys for Respondent

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11

**ENDORSEMENT**

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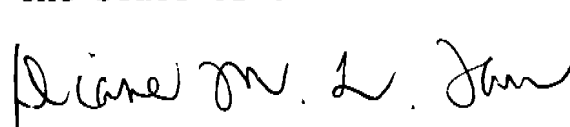
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The foregoing Stipulated Settlement and Disciplinary  
Order is hereby respectfully submitted for consideration by the  
Division of Medical Quality of the Medical Board of California.

DATED: March 6, 1997.

DANIEL E. LUNGREN, Attorney General  
of the State of California



DIANE M. L. TAN  
Deputy Attorney General

Attorneys for Complainant

**EXHIBIT 1**

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 DIANE M. L. TAN,  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Suite 5212  
4 Los Angeles, California 90013-1204  
Telephone: (213) 897-2557

5 Attorneys for Complainant  
6  
7

8 BEFORE THE  
DIVISION OF MEDICAL QUALITY  
9 MEDICAL BOARD OF CALIFORNIA  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
11

12 In the Matter of the Accusation ) No. 11-94-43900  
Against: )

13 WILLIAM WARREN ROSE, JR., M.D. ) ACCUSATION  
14 12115 Camino Valencia )  
Cerritos, California 90701 )

15 Physician's and Surgeon's )  
16 Certificate No. A33557, )  
17 Respondent. )  
18

19 The Complainant alleges:

20 PARTIES

21 1. Complainant, Doug Laue, is the Acting Executive  
22 Director of the Medical Board of California (hereinafter referred  
23 to as "the Board"), Department of Consumer Affairs, State of  
24 California. Complainant brings this Accusation solely in his  
25 official capacity as the Acting Executive Director of the Board.

26 2. On or about March 5, 1979, Physician's and  
27 Surgeon's Certificate Number A33557 was issued by the Board to

1 William Warren Rose, Jr., M.D. (hereinafter referred to as  
2 "Respondent"). At all times relevant to the charges brought  
3 herein, this license has been valid and has an expiration date of  
4 June 30, 1996.

5 3. On or about February 8, 1984, Physician Assistant  
6 Supervisor Approval Number SA 13768 was issued by the Physician  
7 Assistant Examining Committee to Respondent. Currently, such  
8 approval is not valid and expired on June 30, 1994.

### 9 JURISDICTION

10 4. This Accusation is brought before the Division of  
11 Medical Quality (hereinafter referred to as "the Division"),  
12 Medical Board of California, Department of Consumer Affairs,  
13 State of California, under the authority of the following  
14 sections of the California Business and Professions Code  
15 (hereinafter referred to as "the Code"):

16 A. Section 2004 of the Code provides as follows:

17 "The Division of Medical Quality shall have  
18 the responsibility for the following:

19 "(a) The enforcement of the  
20 disciplinary and criminal provisions of the  
21 Medical Practice Act.

22 "(b) The administration and hearing of  
23 disciplinary actions.

24 "(c) Carrying out disciplinary actions  
25 appropriate to findings made by a medical quality  
26 review committee, the division, or an  
27 administrative law judge.

1           "(d) Suspending, revoking, or otherwise  
2           limiting certificates after the conclusion of  
3           disciplinary actions.

4           "(e) Reviewing the quality of medical  
5           practice carried out by physician and surgeon  
6           certificate holders under the jurisdiction of the  
7           board."

8           B. Section 2220 of the Code authorizes the  
9           Division to take action against all physicians and  
10          surgeons guilty of violating the provisions of the  
11          Medical Practice Act (Bus. & Prof. Code, § 2000 et  
12          seq.).

13          C. Section 2227, subdivision (a) of the Code  
14          provides that "[a] licensee whose matter has been heard  
15          by an administrative law judge of the Medical Quality  
16          Hearing Panel as designated in Section 11371 of the  
17          Government Code, or whose default has been entered, and  
18          who is found guilty may, in accordance with the  
19          provisions of this chapter:

20                "(1) Have his or her license revoked upon  
21                order of the division.

22                "(2) Have his or her right to practice  
23                suspended for a period not to exceed one year upon  
24                order of the division.

25                "(3) Be placed on probation upon order of  
26                the division.

27                "(4) Be publicly reprimanded by the

1 division.

2 "(5) Have any other action taken in relation  
3 to discipline as the division or an administrative  
4 law judge may deem proper."

5 D. Section 2234 of the Code provides that the  
6 Division shall take action against any licensee who is  
7 charged with unprofessional conduct. Such section  
8 further provides that "unprofessional conduct"  
9 includes, but is not limited to, the following:

10 "(a) Violating or attempting to  
11 violate, directly or indirectly, or assisting  
12 in or abetting the violation of, or  
13 conspiring to violate, any provision of this  
14 chapter.

15 "(b) Gross negligence.

16 "(c) Repeated negligent acts.

17 "(d) Incompetence.

18 "(e) The commission of any act  
19 involving dishonesty or corruption which is  
20 substantially related to the qualifications,  
21 functions, or duties of a physician and  
22 surgeon.

23 "(f) Any action or conduct which would  
24 have warranted the denial of a certificate."

25 E. Section 2236 of the Code provides in pertinent  
26 part as follows:

27 "(a) The conviction of any offense

1 substantially related to the qualifications,  
2 functions, or duties of a physician and surgeon  
3 constitutes unprofessional conduct within the  
4 meaning of this chapter. The record of conviction  
5 shall be conclusive evidence only of the fact that  
6 the conviction occurred.

7 ". . .

8 "(c) . . . The division may inquire into the  
9 circumstances surrounding the commission of a  
10 crime in order to fix the degree of discipline or  
11 to determine if the conviction is of an offense  
12 substantially related to the qualifications,  
13 functions, or duties of a physician and surgeon.

14 "(d) A plea or verdict of guilty or a  
15 conviction after a plea of nolo contendere is  
16 deemed to be a conviction within the meaning  
17 of this section . . . . The record of  
18 conviction shall be conclusive evidence of  
19 the fact that the conviction occurred."

20 F. Section 490 of the Code provides as follows:

21 "A board may suspend or revoke a license  
22 on the ground that the licensee has been  
23 convicted of a crime, if the crime is  
24 substantially related to the qualifications,  
25 functions, or duties of the business or  
26 profession for which the license was issued.  
27 A conviction within the meaning of this

1 section means a plea or verdict of guilty or  
2 a conviction following a plea of nolo  
3 contendere. Any action which a board is  
4 permitted to take following the establishment  
5 of a conviction may be taken when the time  
6 for appeal has elapsed, or the judgment of  
7 conviction has been affirmed on appeal, or  
8 when an order granting probation is made  
9 suspending the imposition of sentence,  
10 irrespective of a subsequent order under the  
11 provisions of Section 1203.4 of the Penal  
12 Code."

13 G. Section 2264 of the Code provides that "[t]he  
14 employing, directly or indirectly, the aiding, or the  
15 abetting of any unlicensed person or any suspended,  
16 revoked, or unlicensed practitioner to engage in the  
17 practice of medicine or any other mode of treating the  
18 sick or afflicted which requires a license to practice  
19 constitutes unprofessional conduct."

20 H. Section 2261 of the Code provides that  
21 "[k]nowingly making or signing any certificate or other  
22 document directly or indirectly related to the practice  
23 of medicine or podiatry which falsely represents the  
24 existence or nonexistence of a state of facts,  
25 constitutes unprofessional conduct."

26 I. Section 2242, subdivision (a) of the Code  
27 provides that "[p]rescribing, dispensing, or furnishing



1 dangerous drugs as defined in Section 4211 without a  
2 good faith prior examination and medical indication  
3 therefor, constitutes unprofessional conduct."

4 J. Section 4211 of the Code provides that  
5 "dangerous ~~drug~~" means "any drug unsafe for self-  
6 medication, except veterinary drugs that are labeled as  
7 such, and includes the following:

8 "(a) Any drug that bears the legend:  
9 'Caution: federal law prohibits dispensing  
10 without prescription' or words of similar import.

11 "(b) Any device that bears the statement:  
12 'Caution: federal law restricts this device to  
13 sale by or on the order of a \_\_\_\_\_,' or words of  
14 similar import, the blank to be filled in with the  
15 designation of the practitioner licensed to use or  
16 order use of the device.

17 "(c) Any other drug or device that by  
18 federal or state law can be lawfully  
19 dispensed only on prescription or furnished  
20 pursuant to Section 4240. . . ."

21 K. Section 2238 of the Code provides that "[a]  
22 violation of any federal statute or federal regulation  
23 or any of the statutes or regulations of this state  
24 regulating dangerous drugs or controlled substances  
25 constitutes unprofessional conduct."

26 L. Section 118 of the Code provides in pertinent  
27 part as follows:

1                   ". . .

2                   "(b) The suspension, expiration, or  
3 forfeiture by operation of law of a license  
4 issued by a board in the department, or its  
5 suspension, forfeiture, or cancellation by  
6 order of the board or by order of a court of  
7 law, or its surrender without the written  
8 consent of the board, shall not, during any  
9 period in which it may be renewed, restored,  
10 reissued, or reinstated, deprive the board of  
11 its authority to institute or continue a  
12 disciplinary proceeding against the licensee  
13 upon any ground provided by law or to enter  
14 an order suspending or revoking the license  
15 or otherwise taking disciplinary action  
16 against the licensee on any such ground.

17                   "(c) As used in this section, 'board'  
18 includes an individual who is authorized by  
19 any provision of this code to issue, suspend,  
20 or revoke a license, and 'license' includes  
21 'certificate,' 'registration,' and 'permit.'"

22                   M. Section 125.3 of the Code provides that the  
23 Division may request the administrative law judge to  
24 direct any licentiate found to have committed a  
25 violation or violations of the licensing act to pay to  
26 the Division a sum not to exceed the reasonable costs  
27 of the investigation and enforcement of the case.

1 FIRST CAUSE OF ACTION

2 (Conviction of the Crime of  
3 Conspiring with Two or More Persons  
4 to Commit the Crime of Practicing  
5 Medicine Without a License--  
6 September 21, 1994)

7 5. Respondent is subject to disciplinary action for  
8 having been convicted of a crime which is substantially related  
9 to the qualifications, functions or duties of a physician and  
10 surgeon. Such conviction constitutes unprofessional conduct in  
11 violation of sections 490, 2234, subdivision (a), and 2236 of the  
12 Code. The facts and circumstances regarding the conviction are  
13 as follows:

14 A. Prior to December 1990, Respondent obtained a  
15 Medi-Cal provider number from the California Department  
16 of Health Services that authorized him as a licensed  
17 practitioner, to bill the Medi-Cal program, a  
18 government funded program which pays for medical care  
19 for the indigent, for medically necessary services that  
20 he provides to Medi-Cal patients and beneficiaries.

21 B. From about December 1990 through May 1993,  
22 Respondent operated the Rose Family Medical Clinic in  
23 Long Beach, California, and employed and utilized two  
24 unlicensed persons, who were referred to as "doctors",  
25 at that clinic to provide medical services to Medi-Cal  
26 patients or beneficiaries and to issue illegal  
27 prescriptions for controlled substances and dangerous

1 drugs without a good faith prior examination and  
2 medical indication.

3 C. The two unlicensed persons employed and  
4 utilized by Respondent at the Rose Family Medical  
5 Clinic were Puthirak Pan and Jose Ruiz. Neither Pan  
6 nor Ruiz were ever issued a physician assistant license  
7 or any other license to practice medicine in the State  
8 of California.

9 D. From about December 1990 through May 1993,  
10 Respondent presented false and fraudulent claims to the  
11 State of California's Medi-Cal Program for services  
12 provided by such unlicensed persons without Respondent  
13 or any other licensed practitioner ever having seen or  
14 having examined the Medi-Cal patients or beneficiaries.

15 E. Respondent has received in excess of \$150,000  
16 from the Medi-Cal Program from his illegal use of such  
17 unlicensed persons to provide medical services.

18 F. On or about December 21, 1993, a Felony  
19 Complaint was filed in the matter of the People of the  
20 State of California v. William Warren Rose, Jr., Case  
21 No. NA018433, in the Municipal Court of Long Beach  
22 Judicial District, County of Los Angeles, State of  
23 California, charging Respondent with having committed  
24 the following crimes:

25 (a) Count 1 (Conspiracy Involving Grand  
26 Theft)--a violation of Penal Code section  
27 182, subdivisions (a)(1) and (a)(4)

1 [Conspiracy], a felony, Penal Code section  
2 487 [Grand Theft], a felony, and Welfare and  
3 Institutions Code section 14107 [Fraudulent  
4 Medi-Cal Claim], a felony, together with a  
5 special allegation that Respondent took funds  
6 of a value in excess of \$150,000 belonging to  
7 the State of California's Medi-Cal program  
8 within the meaning of Penal Code sections  
9 12022.6, subdivision (b) [Taking of Property  
10 in Excess of \$150,000] and 1203.045 [Theft of  
11 Amount Exceeding \$100,000];

12 (b) Count 2 (Grand Theft)--a violation  
13 of Penal Code section 487, subdivision 1, a  
14 [Grand Theft], a felony, together with a  
15 special allegation that Respondent took funds  
16 of a value in excess of \$150,000 belonging to  
17 the State of California's Medi-Cal program  
18 within the meaning of Penal Code sections  
19 12022.6, subdivision (b) [Taking of Property  
20 in Excess of \$150,000] and 1203.045 [Theft of  
21 Amount Exceeding \$100,000];

22 (c) Count 3 (Unlawful Furnishing of a  
23 Controlled Substance by Prescription)--a  
24 violation of section 11153 of the Health and  
25 Safety Code, a felony;

26 (d) Count 4 (Presenting False Medi-Cal  
27 Claim)--a violation of section 14107 of the

Welfare and Institutions Code, a felony;

(e) Count 5 (Unlawful Furnishing of a Controlled Substance by Prescription)--a violation of section 11153 of the Health and Safety Code, a felony;

(f) Count 6 (Presenting False Medi-Cal Claim)--a violation of section 14107 of the Welfare and Institutions Code, a felony.

G. On or about February 22, 1994, an Information was filed in the matter of the People of the State of California v. Puthirak Pan and William W. Rose, Jr., Case No. NA 015851, in the Superior Court of South Judicial District, County of Los Angeles, State of California, charging Respondent with having committed the following crimes:

(a) Count 1 (Conspiracy Involving Grand Theft)--Beginning at least as early as December 22, 1990, and continuing through at least May 5, 1993, Respondent conspired with Puthirak Pan, Jose Ruiz and others who were not licensed to practice medicine in California, to commit grand theft against the Medi-Cal system and to present false Medi-Cal claims in violation of Penal Code section 182, subdivisions (a)(1) and (a)(4) [Conspiracy], a felony, Penal Code section 487 [Grand Theft], a felony, and Welfare and

1 Institutions Code section 14107 [Fraudulent  
2 Medi-Cal Claim], a felony;

3 (b) Count 2 (Conspiracy Involving  
4 Practice of Medicine Without a License)--From  
5 at least as early as December 22, 1990, and  
6 continuing through at least May 5, 1993,  
7 Respondent and Puthirak Pan conspired with  
8 Jose Ruiz and others to practice medicine  
9 without a license in violation of Penal Code  
10 section 182, subdivision (a)(1) [Conspiracy],  
11 a felony, and Business and Professions Code  
12 section 2052 [Practice of Medicine Without a  
13 License], a misdemeanor;

14 (c) Count 3 (Grand Theft)--From  
15 December 22, 1990, and continuing through May  
16 5, 1993, Respondent willfully and unlawfully  
17 took from the State of California money of a  
18 value exceeding \$400 in violation of Penal  
19 Code section 487, subdivision 1, a [Grand  
20 Theft], a felony, together with a special  
21 allegation that Respondent took funds of a  
22 value in excess of \$150,000 belonging to the  
23 State of California's Medi-Cal program within  
24 the meaning of Penal Code sections 12022.6,  
25 subdivision (b) [Taking of Property in Excess  
26 of \$150,000] and 1203.045 [Theft of Amount  
27 Exceeding \$100,000];

1 (d) Count 4 (Unlawful Furnishing of a  
2 Controlled Substance by Prescription)--On or  
3 about July 28, 1992, Respondent, [through the  
4 use of an unlicensed person], issued a  
5 prescription for a Schedule V controlled  
6 substance, i.e., Robitussin AC syrup with  
7 Codeine, for an undercover operator using the  
8 name of Sok Prak, in violation of section  
9 11153 of the Health and Safety Code, a  
10 felony;

11 (e) Count 5 (Presenting False Medi-Cal  
12 Claim)--On or about August 17, 1992,  
13 Respondent, with intent to defraud, caused to  
14 be presented for allowance and payment a  
15 false and fraudulent claim, Medi-Cal Claim  
16 No. 22305204036, by Rose Family Medical  
17 Clinic for services [provided by an  
18 unlicensed person] under the Medi-Cal Act to  
19 an undercover operator using the name of Sok  
20 Prak, on July 28, 1992, in violation of  
21 section 14107 of the Welfare and Institutions  
22 Code, a felony;

23 (f) Count 6 (Unlawful Furnishing of a  
24 Controlled Substance by Prescription)--On or  
25 about February 25, 1993, Respondent, [through  
26 the use of an unlicensed person], issued a  
27 prescription for a Schedule III controlled



1 substance, i.e., Acetaminophen with Codeine,  
2 #2 tablets, for an undercover operator using  
3 the name of Tuan V. Le, in violation of  
4 section 11153 of the Health and Safety Code,  
5 a felony;

6 (g) Count 7 (Presenting False Medi-Cal  
7 Claim)--On or about March 15, 1993,  
8 Respondent, with the intent to defraud,  
9 caused to be presented for allowance and  
10 payment a false and fraudulent claim, Medi-  
11 Cal Claim No. 31056537667, by Rose Family  
12 Medical Clinic for services [provided by an  
13 unlicensed person] under the Medi-Cal Act to  
14 an undercover operator using the name of Tuan  
15 V. Le, on February 25, 1993, in violation of  
16 section 14107 of the Welfare and Institutions  
17 Code, a felony.

18 H. On or about March 16, 1994, a First Amended  
19 Information was filed in the matter of the People of  
20 the State of California v. Puthirak Pan and William W.  
21 Rose, Jr., Case No. NA 015851, in the Superior Court of  
22 South Judicial District, County of Los Angeles, State  
23 of California, in which some of the allegations  
24 contained in Counts 1 and 2 of the Information were  
25 amended.

26 I. On or about September 21, 1994, based upon a  
27 plea agreement, Respondent was convicted pursuant to a

1 plea of guilty of having committed the felony offense  
2 of conspiracy as charged in Count 2 of the First  
3 Amended Information filed on March 16, 1994. The  
4 remaining counts were continued to October 20, 1994,  
5 for disposition.

6 J. On or about November 28, 1994, Respondent was  
7 sentenced to a term of probation for three years. He  
8 was ordered to serve one year in the Los Angeles County  
9 Jail with a recommendation for work furlough; to pay  
10 restitution of \$50,000 to the California Department of  
11 Health Services, payable \$10,000 within 90 days and the  
12 remainder as directed by the probation officer; not to  
13 employ, or work in association with, any person  
14 providing health care services who is required by law  
15 to be licensed to do so but is not so licensed; and to  
16 comply with other terms and conditions of probation.  
17 The remaining six counts were dismissed due to the plea  
18 negotiation.

19 SECOND CAUSE OF ACTION

20 (Employing, Aiding or Abetting

21 Unlicensed Persons to Engage in the

22 Practice of Medicine)

23 6. Respondent is subject to disciplinary action for  
24 employing, directly or indirectly, the aiding, or the abetting of  
25 at least two unlicensed persons to engage in the practice of  
26 medicine in violation of sections 2234, subdivision (a) and 2264  
27 of the Code as alleged in Paragraph 5 of this Accusation, which

1 is incorporated herein by reference.

2 THIRD CAUSE OF ACTION

3 (Commission of Acts Involving  
4 Dishonesty or Corruption)

5 7. Respondent is subject to disciplinary action for  
6 engaging in unprofessional conduct in violation of section 2234,  
7 subdivision (e) of the Code by having committed acts involving  
8 dishonesty or corruption which are substantially related to the  
9 qualifications, functions, or duties of a physician and surgeon  
10 as alleged in Paragraph 5 of this Accusation, which is  
11 incorporated herein by reference.

12 FOURTH CAUSE OF ACTION

13 (False Documents)

14 8. Respondent is subject to disciplinary action for  
15 engaging in unprofessional conduct in violation of sections  
16 2234, subdivision (a) and 2261 of the Code by knowingly making  
17 or signing false and fraudulent Medi-Cal claims for services  
18 provided by unlicensed persons as alleged in Paragraph 5 of this  
19 Accusation, which is incorporated herein by reference.

20 FIFTH CAUSE OF ACTION

21 (Prescribing, Dispensing or  
22 Furnishing Dangerous Drugs Without  
23 Prior Examination and Medical  
24 Indication)

25 9. Respondent is subject to disciplinary action for  
26 engaging in unprofessional conduct in violation of sections 2234,  
27 subdivision (a) and 2242, subdivision (a) of the Code by

1 prescribing, dispensing, or furnishing dangerous drugs as  
2 defined in section 4211 of the Code without a good faith  
3 prior examination and medical indication as alleged in  
4 Paragraph 5 of this Accusation, which is incorporated herein by  
5 reference.

#### 6 SIXTH CAUSE OF ACTION

7 (Violation of State Drug Statutes)

8 10. Respondent is subject to disciplinary action for  
9 violating or attempting to violate a state statute or regulation  
10 regulating dangerous drugs or controlled substances by  
11 unlawfully dispensing controlled substances in violation of  
12 sections 2234, subdivision (a) and 2238 of the Code as alleged in  
13 Paragraph 5 of this Accusation, which is incorporated herein by  
14 reference.

#### 15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be  
17 held in this matter and that following the hearing, the Division  
18 issue a decision:

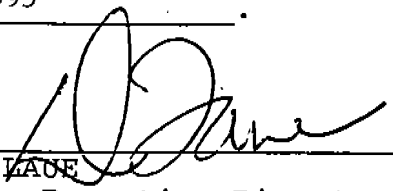
19 1. Revoking or suspending Physician's and Surgeon's  
20 Certificate Number A33557 that was issued to Respondent William  
21 Warren Rose, Jr., M.D.;

22 2. Revoking Physician Assistant Supervisor Approval  
23 Number SA 13768 issued to Respondent by the Physician Assistant  
24 Examining Committee;

25 3. Including an order by the administrative law judge  
26 that Respondent pay to the Division the actual and reasonable  
27 costs of the investigation and enforcement of this case pursuant

1 to section 125.3 of the Business and Professions Code; and  
2 4. Taking such other and further action as the  
3 Division deems proper.

4 DATED: October 11, 1995

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6   
7 DOUG LANE  
8 Acting Executive Director  
9 Medical Board of California  
10 Department of Consumer Affairs  
11 State of California

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Complainant